

Section 2-185. Oath of affirmation.

Before entering upon the duties of their office, each member shall subscribe to an oath of affirmation before some person duly qualified to administer oaths.

(1997, Ord. No. 97-111, sec. 1.)

Section 2-186. Rules of procedure; quorum; meetings.

The commission shall have the authority to establish its rules of procedure for the conduct of its business. It shall specify that a quorum shall be at least fifty percent of the total commission's membership. All proceedings of the commission shall be in conformation to the requirements of chapter 92, Hawai'i Revised Statutes, Public Agency Meetings and Records (Sunshine Law).

(1997, Ord. No. 97-111, sec. 1.)

Section 2-187. Powers and duties of the commission.

- (a) It shall be the duty of the commission to act in an advisory capacity to the mayor concerning matters pertaining to the subject of domestic and family violence and the commission's effort to reduce and prevent domestic and family violence in the County of Hawai'i, to act to improve upon the services to victims and their families, to increase public awareness and education about family violence throughout the island of Hawai'i, to recommend and assist in the implementation of procedural and other changes within the agencies and organizations to further the goals of the commission and to recommend and assist in the creation of such entities as it finds necessary to implement and carry out those goals. The commission shall enhance communication, promote cooperation and coordinate services between member agencies in order to seek overall improvement of services to the public and avoid costly duplication of services. The commission shall, from time to time, inquire of agencies as to their goals and objectives in furthering the purposes of the commission.
- (b) The commission shall initiate and pursue efforts to secure Federal, State, County and private sector grants and funding to carry out its goals and objectives.
 - (1) It shall serve as the repository of said funds or shall provide a mechanism to do so and shall be responsible for the timely accounting of same.

(1997, Ord. No. 97-111, sec. 1.)

**Article 38. Claims and Actions Against County Officers,
Employees and Former Employees.**

Section 2-188. Defense by the County; punitive damages.

- (a) Notwithstanding any other provision of law, if a civil complaint is filed against an officer, employee or former employee and exemplary or punitive damages are requested, the County is authorized to pay that part of a judgment that is for punitive or exemplary damages upon adoption of a resolution by the council, which finds all of the following:
 - (1) The act or omission of the officer, employee or former employee was done within the course and scope of that person's employment as an employee of the County, unless that determination has already been made pursuant to State law.
 - (2) At the time of the act giving rise to the liability, the action or failure to act of the officer, employee or former employee was in good faith, without actual malice, to serve the County and in the apparent best interests of the County.
 - (3) Payment of the claim or judgment would be in the best interests of the County.
 - (4) It is in the public interest to indemnify the officer, employee or former employee for all damages that may be assessed, including punitive damages, so that the corporation counsel may represent such named officer, employee or former employee.

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- (b) Representation by the corporation counsel of such officer, employee or former employee is not an admission of liability by the council of the County of Hawai'i.
- (c) Nothing in this article shall affect any code or judicially established decree prohibiting the award of punitive damages against the County nor shall it be construed as a waiver of any immunity the County might possess, including a waiver of the County's immunity from liability for punitive damages under section 1981, 1983, or 1985 of title 42 of the United States Code.

(1998, Ord. No. 98-86, sec. 2.)

Article 39. Workforce Investment Act Program.

Section 2-189. Established.

There is established, within the County of Hawai'i, a Workforce Investment Act program which shall be under the direction and supervision of the mayor.

(2000, Ord. No. 00-43, sec. 3.)

Section 2-190. Purpose.

The purpose of this program is to improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of our citizens by implementing the Workforce Investment Act of 1998.

(2000, Ord. No. 00-43, sec. 3.)

Section 2-191. Powers and duties.

The County shall have, without limitation, all powers necessary and appropriate to carry out its duties and functions under the Workforce Investment Act of 1998.

(2000, Ord. No. 00-43, sec. 3.)

Section 2-192. Workforce investment board.

- (a) A workforce investment board, subject to certification by the governor of the State, is established. Pursuant to the Workforce Investment Act of 1998, its:

- (1) Members shall be appointed by the mayor.
- (2) Membership shall include representatives of government agencies, education, labor and business and satisfy the Act's requirements.
- (3) Chairperson must be elected from among the business representatives.

- (b) The board shall have all powers, duties and functions required to implement within the Island of Hawai'i, in partnership with the mayor, the Workforce Investment Act of 1998.

(2000, Ord. No. 00-43, sec. 3.)

Section 2-193. Creation of fund.

Pursuant to section 10-12, Hawai'i County Charter, a special fund to be known as the Workforce Investment Act program fund is established.

(2000, Ord. No. 00-43, sec. 3.)

Section 2-194. Funding.

The Workforce Investment Act program shall be funded by Federal grants.

(2000, Ord. No. 00-43, sec. 3.)